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**10/575656**  
Attorney Docket No.: 28069-625-NATL

**1AP2004-003804 14 APR 2006**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT(S): Rudi Mueller-Walz, *et al.*

INT'L. APPLICATION PCT/IB2004/003804  
NUMBER:

INT'L. FILING DATE: November 11, 2004 SERIAL NUMBER: Not Yet Assigned

ART UNIT: Not Yet Assigned EXAMINER: Not Yet Assigned

FOR: **DRY POWDER FORMULATIONS**

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicant hereby makes of record the documents listed on the attached modified Form PTO-1449, as well as copies of the listed documents.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-identified application. Accordingly, no fee or certification is believed to be required.

It is respectfully requested that the Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims. It is also respectfully requested that the Examiner initial, sign and date, and return a copy of the signed modified Form PTO-1449 with the next U.S. PTO communication, to evidence that the cited information has been fully considered by the U.S. Patent and Trademark Office during the examination of this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that: (1) a search has been performed, the extent of any search performed, or that

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more relevant information does not exist; (2) the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b); and (3) the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

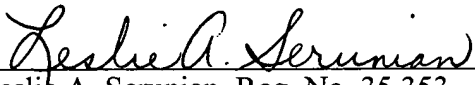
The order of presentation of the references should not be construed as an indication of the importance of the references. The Examiner is urged to form his/her own conclusion regarding the relevance of the cited information.

Please charge any fees that may be due to Deposit Account No. 50-0311, Reference No. 28069-625-NATL.

Respectfully submitted,

MINTZ, LEVIN, COHN, FERRIS  
GLOVSKY & POPEO P.C.

Dated: April 14, 2006

  
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<b>Modified Form 1449/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)	U.S. Application Number	Not Yet Assigned
	Int. Application Number	PCT/IB2004/003804
	Int. Filing Date	November 11, 2004
	First Named Inventor	Rudi Mueller-Walz, et al.
	Group Art Unit	Not Yet Assigned
	Examiner Name	Not Yet Assigned
	Attorney Docket Number	28069-625 NATL

**U.S. PATENT DOCUMENTS**

Exam Initials	Cite No.	U.S. Patent Document No.	Issue/Pub. Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date
	A1	6,528,096	03/04/03	Rossella Musa, et al.	424	490	06/26/2000
	A2	6,645,466	11/11/03	M. Keller, et al.	424	43	08/09/2001 (\$ 371 date)
	A3	US2003/01752 14 A1	09/18/03	J.N. Staniforth, et al.	424	46	04/17/2001 (PCT filing date)

**FOREIGN PATENT DOCUMENTS**

Exam Initials	Cite No.	Foreign Patent Document Office	Number	Name of Patentee(s) or Applicant(s)	Date of Publication	Translation Yes	No
	B1	WO	01/78693	Chiesi Farmaceutici S.P.A.	October 25, 2001	X	
	B2	WO	00/28979	SkyePharma AG	May 25, 2000		X

**OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS**

Exam Initials	Cite No.	Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.
	C1	J. Peart, et al., 1997, "Multicomponent Particle Interactions in Dry Powder Aerosols", <i>Pharmaceutical Research</i> (New York), Abstract No. 1405, S142-S143.
	C2	GB Search Report dated March 23, 2004 corresponding to GB 0326632.7
	C3	International Search Report mailed March 30, 2005 corresponding to PCT/IB2004/003804

\*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. \_\_\_\_\_, filed \_\_\_\_\_, and relied upon for an earlier filing date under 35 U.S.C. §120 (continuation, continuation-in-part, and divisional applications).

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.